

EUDELL S. DUVALL, Derivatively On Behalf of BIOMIMETIC THERAPEUTICS INC.,	)	
	)	
Plaintiff,	)	Civil Action No. 3:11-cv-00775
	)	
v.	)	CLASS ACTION
	)	
SAMUEL E. LYNCH, et al.	)	Judge Kevin H. Sharp
	)	Magistrate Juliet E. Griffin
Defendants,	)	
	)	
and	)	
	)	
BIOMIMETIC THERAPEUTICS, INC.,	)	
	)	
Nominal Defendant.	)	
	)	

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(ii), Plaintiff Eudell S. Duvall (“Plaintiff”) and Defendants Samuel E. Lynch, Larry W. Papasan, Thorkil K. Christensen, Christopher B. Ehrlich, Gary E. Friedlaender, Charles W. Federico, James Murphy, and Douglas G. Watson and Nominal Defendant BioMimetic Therapeutics, Inc. (“Defendants,” together with Plaintiff, the “Parties”) jointly move this Court to dismiss the above-captioned action (the “Action”) without prejudice, with each party to bear its own costs, expenses, and attorneys’ fees. In support of this motion, the Parties state as follows:

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2. The Action has been stayed pending this Court's consideration of a related securities class action captioned *Sarafin v. BioMimetic Therapeutics, Inc.*, No. 3:11-dv-0653 (the "*Sarafin* Action"). On January 10, 2013, this Court dismissed the *Sarafin* Action with prejudice and, on April 30, 2013, denied the *Sarafin* plaintiffs' Motion to Alter or Amend the Order and Judgment of Dismissal with Prejudice.

3. On March 1, 2013, pursuant to an Agreement and Plan of Merger adopted at a special meeting of stockholders of BioMimetic Therapeutics, Inc. on February 26, 2013, BioMimetic Therapeutics, Inc. was acquired by Wright Medical Group, Inc. ("Wright").

4. By operation of that transaction, BioMimetic Therapeutics, Inc. merged with and into BioMimetic Therapeutics, LLC, a wholly owned subsidiary of Wright.

5. By operation of that transaction, BioMimetic Therapeutics, Inc. and all of its publicly held stock ceased to exist.

6. As a result, Plaintiff is no longer a stockholder of BioMimetic Therapeutics, Inc.

7. Wright is the sole member of BioMimetic Therapeutics, LLC and, through the undersigned counsel for Defendants, has received notice of this motion, including notice that the Parties are seeking through this motion to dismiss this action without prejudice.

WHEREFORE, the Parties, through their respective counsel, stipulate and agree, and jointly move the Court for an order providing, the following:

- i. The Action shall be dismissed without prejudice;
- ii. Each party shall bear its own costs, expenses, and attorneys' fees; and
- iii. Any notice required by Federal Rule of Civil Procedure 23.1(c) is satisfied by Wright's actual notice of this Motion.

Dated: May [ ], 2013

Respectfully submitted,

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	)	
BIOMIMETIC THERAPEUTICS, INC.,	)	
	)	
Nominal Defendant.	)	
	)	

On this day came to be considered the Joint Motion to Dismiss Without Prejudice filed by Plaintiff Eudell S. Duvall and Defendants Samuel E. Lynch, Larry W. Papasan, Thorkil K. Christensen, Christopher B. Ehrlich, Gary E. Friedlaender, Charles W. Federico, James Murphy, and Douglas G. Watson and Nominal Defendant BioMimetic Therapeutics, Inc. The Court, having considered the merits of said Motion, finds that said Motion is well taken and is GRANTED. Accordingly:

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It is so ORDERED.

Dated: February \_\_\_, 2013

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KEVIN H. SHARP  
United States District Judge

**AGREED TO AND APPROVED  
FOR ENTRY BY:**

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